

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:06CR3158
)	
V.)	
)	
LISA DENISE HENLEY,)	ORDER
)	
Defendant.)	

I have read defendant's downward departure and variance motion (filing 48) and the request for a one hour evidentiary hearing. I have also read her brief. (Filing 49.)

Given that the defendant is charged with being a felon in possession of a weapon and given that she has been convicted of manslaughter (by stabbing) and several other violent assaults (PSR ¶¶ 40, 44, 50, 51, and 53), I doubt whether a departure or variance is appropriate. This is so even if I assume that everything in the defendant's brief is true. That said, I will hear the defendant out, but I do not need an hour to do so. As a result,

IT IS ORDERED that the motion for departure or variance (filing 48) will be resolved at the previously scheduled one-half hour sentencing hearing. Counsel for the defendant is encouraged to present Dr. Scalora's view by affidavit or report.

July 24, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge